



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Toshiro OMORI et al.**

Group Art Unit: **1614**

Serial Number: **10/511,725**

Examiner: **Not yet assigned**

Filed: **October 19, 2004**

Confirmation No.: **2520**

For: **COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE  
AND HAVING ACTIVITY OF INHIBITING ONSET OF  
ALCOHOLIC HEPATOPATHY AND ACTIVITY OF HEALING IT  
AS WELL AS EXCELLENT PALATABILITY, AND PROCESS FOR  
PRODUCING THE SAME**

Attorney Docket Number: **042872**

Customer Number: **38834**

**REQUEST FOR CORRECTED FILING RECEIPT**

**Mail Stop: Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

September 14, 2005

Sir:

Please supply the undersigned attorney with a corrected filing receipt for the above-identified application. The undersigned also respectfully requests that the Patent and Trademark Office records be amended to reflect the correction.

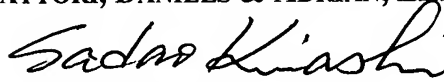
In reviewing the Official Filing Receipt, we noted an error in the second assignee name and the title. The second assignee name should read --**BARLEY FERMENTATION TECHNOLOGIES, INC.**-- and the title should read --**Composition obtained from barley shochu stillage and having effects of inhibiting the onset of alcoholic liver injury and healing it as well as favourable taste, and process for producing the same**--. A copy of the **Assignment** and **PCT Publication** are enclosed which indicates the correct information. We are also enclosing a copy of the filing receipt with the corrections highlighted.

If any fees are required in connection with this paper, please charge Deposit Account No.

50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read "Sadao Kinashi", written in a cursive style.

Sadao Kinashi

Attorney for Applicants

Registration No. 48,075

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

SK/my

Enclosures: Official Filing Receipt; Assignment; PCT Publication



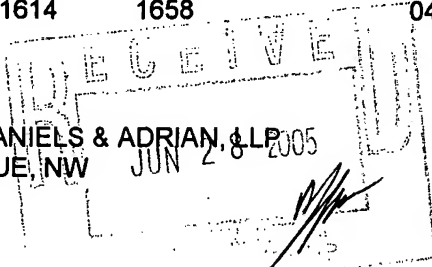
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/511,725	10/19/2004	1614	1658	042872		26	6

38834

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
 1250 CONNECTICUT AVENUE, NW  
 SUITE 700  
 WASHINGTON, DC 20036



CONFIRMATION NO. 2520

## FILING RECEIPT



\*OC000000016351144\*

Date Mailed: 06/23/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Toshiro Omori, Oita, JAPAN;  
 Naoki Takeshima, Oita, JAPAN;  
 Kei Hayashi, Oita, JAPAN;  
 Yasufumi Umemoto, Oita, JAPAN;

## Assignment For Published Patent Application

SANWA SHURUI CO., LTD, Usa-shi, JAPAN  
 BARLEY FERMENTATION TECHNOLOGIES, INC., Usa-shi, JAPAN

--N--

Power of Attorney: The patent practitioners associated with Customer Number **38834**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/04893 04/17/2003

## Foreign Applications

JAPAN 2002-117431 04/19/2002  
 JAPAN 2002-117435 04/19/2002  
 JAPAN 2002-250991 08/29/2002  
 JAPAN 2002-250992 08/29/2002

Projected Publication Date: 09/29/2005

Non-Publication Request: No

**Early Publication Request:** No

**Title**

Composition obtained from barley shochu stillage and having effects of inhibiting the onset of alcoholic liver injury and healing it as well as favorable taste, and processing for producing the same

**Preliminary Class**

514

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

---

### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**U.S. ASSIGNMENT**

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned inventor(s) (hereinafter ASSIGNOR) by

(Insert ASSIGNEE's  
Name(s) Address(es))

1)SANWA SHURUI CO.,LTD. of 2231-1, Oaza-Yamamoto, Usa-shi, Oita 879-0495 Japan

2)BARLEY FERMENTATION TECHNOLOGIES, INC. of 2211, Oaza-Yamamoto, Usa-shi, Oita 879-0467 Japan

(hereinafter ASSIGNEE), the receipt of which is hereby acknowledged, the undersigned ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title and interest to the invention entitled

(Title of Invention)

**COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE AND HAVING  
ACTIVITY OF INHIBITING ONSET OF ALCOHOLIC HEPATOPATHY AND  
ACTIVITY OF HEALING IT AS WELL AS EXCELLENT PALATABILITY,...**

(\*If the assignment is  
being filed after the  
filing of the  
application, this  
section must be  
completed)

for which application for Letters Patent of the United States was executed on even date herewith unless otherwise indicated below:

\* filed on \_\_\_\_\_ Serial No. \_\_\_\_\_

(Westerman, Hattori, Daniels & Adrian, LLP is hereby authorized to insert the series code, serial number and/or filing date hereon, when known)

and all Letters Patent of the United States to be obtained therefore on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted.

The ASSIGNOR agrees to execute all papers necessary in connection with the application and any continuation, divisional, reissue or reexamination applications thereof and also to execute separate assignments in connection with such applications as the ASSIGNEE may deem necessary or expedient.

The ASSIGNOR agrees to execute all papers necessary in connection with any interference, litigation, or other legal proceeding which may be declared concerning this application or any continuation, divisional, reissue or reexamination thereof or Letters Patent or reissue patent issued thereon and to cooperate with the ASSIGNEE in every way possible in obtaining and producing evidence and proceeding with such interference, litigation, or other legal proceeding.

IN WITNESS WHEREOF, the undersigned inventor(s) has (have) affixed his/her/their signature(s).

(Signatures)

<u>大森俊郎</u> (Signature)	<u>Toshiro OMORI</u> (Type Name)	<u>21. 10. 2004</u> (Date)
<u>竹嶋直樹</u> (Signature)	<u>Naoki TAKESHIMA</u> (Type Name)	<u>21. 10. 2004</u> (Date)
<u>林 圭</u> (Signature)	<u>Kei HAYASHI</u> (Type Name)	<u>21. 10. 2004</u> (Date)
<u>梅本泰史</u> (Signature)	<u>Yasufumi UMEMOTO</u> (Type Name)	<u>20. 10. 2004</u> (Date)
_____ (Signature)	_____ (Type Name)	_____ (Date)
_____ (Signature)	_____ (Type Name)	_____ (Date)

NO LEGALIZATION REQUIRED

(19) 世界知的所有権機関  
国際事務局



(43) 国際公開日  
2003 年10 月30 日 (30.10.2003)

PCT

(10) 国際公開番号  
WO 03/088987 A1

BEST AVAILABLE COPY

(51) 国際特許分類<sup>7</sup>: A61K 35/78, 35/72,  
35/74, 38/00, 47/12, 47/18, 47/26, 47/36, 9/19, A61P 1/16,  
25/32, A23L 1/30, C12F 3/10

(21) 国際出願番号: PCT/JP03/04893

(22) 国際出願日: 2003 年4 月17 日 (17.04.2003)

(25) 国際出願の言語: 日本語

(26) 国際公開の言語: 日本語

(30) 優先権データ:  
特願2002-117431 2002 年4 月19 日 (19.04.2002) JP  
特願2002-117435 2002 年4 月19 日 (19.04.2002) JP  
特願2002-250991 2002 年8 月29 日 (29.08.2002) JP  
特願2002-250992 2002 年8 月29 日 (29.08.2002) JP

(71) 出願人 (米国を除く全ての指定国について): 三和酒類  
株式会社 (SANWA SHURUI CO., LTD.) [JP/JP]; 〒879-  
0495 大分県 宇佐市 大字山本 2 2 3 1 番地の 1 Oita  
(JP). 株式会社大麦発酵研究所 (BARLEY FERMENTATION  
TECHNOLOGIES, INC.) [JP/JP]; 〒879-0467  
大分県 宇佐市 大字山本 2 2 1 1 番地 Oita (JP).

(72) 発明者; および

(75) 発明者/出願人 (米国についてのみ): 大森 俊郎  
(OMORI, Toshiro) [JP/JP]; 〒879-0495 大分県 宇佐市  
大字山本 2 2 3 1 番地の 1 三和酒類株式会社内

Oita (JP). 竹嶋 直樹 (TAKESHIMA, Naoki) [JP/JP]; 〒  
879-0495 大分県 宇佐市 大字山本 2 2 3 1 番地の 1  
三和酒類株式会社内 Oita (JP). 林 圭 (HAYASHI, Kei)  
[JP/JP]; 〒879-0495 大分県 宇佐市 大字山本 2 2 3 1 番  
地の 1 三和酒類株式会社内 Oita (JP). 梅本 泰史  
(UMEMOTO, Yasufumi) [JP/JP]; 〒879-0495 大分県 宇  
佐市 大字山本 2 2 3 1 番地の 1 三和酒類株式会社  
内 Oita (JP).

(74) 代理人: 荻上 豊規 (OGIUE, Toyonori); 〒102-0083 東  
京都 千代田区 麹町 3-1 2-1 1 麹町田村ビル 2 階  
Tokyo (JP).

(81) 指定国 (国内): CN, KR, US.

(84) 指定国 (広域): ヨーロッパ特許 (AT, BE, BG, CH, CY,  
CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC,  
NL, PT, RO, SE, SI, SK, TR).

規則 4.17 に規定する申立て:

— US のみのための発明者である旨の申立て (規則  
4.17(iv))

添付公開書類:

— 国際調査報告書

2 文字コード及び他の略語については、定期発行される  
各 PCT ガゼットの巻頭に掲載されている「コードと略語  
のガイダンスノート」を参照。

(54) Title: COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE AND HAVING EFFECTS OF INHIBITING  
THE ONSET OF ALCOHOLIC LIVER INJURY AND HEALING IT AS WELL AS FAVORABLE TASTE, AND PROCESS FOR  
PRODUCING THE SAME

(54) 発明の名称: 大麦焼酎蒸留残液から得られるアルコール性肝障害に対する発症抑制作用及び治癒作用を有し且  
つ優れた呈味性を有する組成物及びその製造方法

(57) Abstract: A composition having effects of inhibiting the onset of alcoholic liver injury and healing it which comprises an  
unadsorbed fraction obtained by subjecting a barley *shochu* stillage obtained as the by-product in the production of *shochu* from  
barley to solid/liquid separation and then subjecting the liquid fraction thus obtained to a separation treatment by adsorption, wherein  
the unadsorbed fraction contains plural peptides having an average chain length of from 3.0 to 5.0 and these peptides are composed  
of from 24 to 38% of glutamic acid, from 4 to 20% of glycine, from 5 to 10% of aspartic acid, from 4 to 9% of proline and from 4  
to 8% of serine, referring the total amino acid content originating in these peptides as to 100%. A food composition comprising the  
above unadsorbed fraction and having a favorable taste.

(57) 要約: 大麦を原料とする焼酎製造において副成する大麦焼酎蒸留残液を固液分離して液体分を得、該液体分を  
合成吸着剤を用いる吸着分離処理に付すことにより分取した非吸着画分となり、該非吸着画分は、平均鎖長が3.0  
乃至5.0である複数種のペプチドを含有し、それらペプチドは該ペプチドに由来するアミノ酸総含量を100%とした  
ときのアミノ酸組成が、グルタミン酸24乃至38%、グリシン4乃至20%、アスパラギン酸5乃至10%、プロリン4乃至  
9%、及びセリン4乃至8%であり、アルコール性肝障害に対する発症抑制作用及び治癒作用を有する組成物。前記非  
吸着画分となる、優れた呈味性を有する食品用組成物。

WO 03/088987 A1